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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,583	08/18/2003	Jeffrey Drue David	008114 /USA/CMP	3962

26185 7590 01/31/2006

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EXAMINER

RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/643,583	DAVID, JEFFREY DRUE	
	Examiner	Art Unit	
	M Rachuba	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 31 October 2005 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

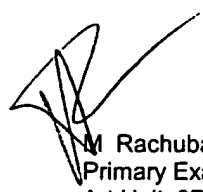
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

Applicant requests that claims 25-31, non-elected with traverse, be rejoined and allowed. The claims had been previously canceled as non-elected without traverse in examiner's amendment, mailed 26 July, 2005. The examiner regrets the error, however, does not consider it a basis for withdrawing the application from issue, or allowing the non-elected claims.

The claims will not be rejoined. MPEP 821.01 states that upon allowance, applicant would have been given one month to cancel the claims or to take other appropriate action. The one month would not be extendable. As the one month time period would have been well past at this date, the non-elected claims will not be rejoined. If applicant wishes to petition the restriction requirement, applicant may chose to withdraw the application from issue, and file an RCE.


M Rachuba
Primary Examiner
Art Unit: 3723
1/24/06